

REMARKS

This is in response to the Office Action mailed on August 8, 2004. Claims 1-16 were pending. Claims 9-16 were indicated allowable; claim 5 was objected to; and claims 1-4 and 6-8 were rejected. With this amendment, claim 5 is amended. The remaining claims are unchanged in the application.

Claim 5 was objected to based on an informality. Specifically, the Office Action stated the word "scope" should be changed to scoop. With this amendment, claim 5 has been amended to make the suggested change.

Claims 1, 6 and 8 were rejected under 35 U.S.C. 103 as being unpatentable over Hagen (Patent No. 5,616,861) in view of Cronin et al. (Patent No. 6,609,421). Claims 6 and 8 depend from claim 1. Applicants respectfully traverse the rejection.

Cronin et al. (called Cronin herein) was both issued and published less than one year prior to the filing date of the present application, and does not constitute prior art under 35 U.S.C. 102(b). Cronin could only constitute prior art under 35 U.S.C. 102(e). The present application and Cronin, however, were both owned by the present assignee, Rosemount Aerospace Inc., at the time the present invention was made. The inventors on the Cronin reference were subject to an obligation to assign their invention to the present assignee. The assignment is recorded at Reel 011791, Frame 0704. The assignment for the present application is recorded at Reel 014559, Frame 0868. Accordingly, under 35 U.S.C § 103(c), Cronin is not citable as prior art in the rejection of the claims.

Additionally, claim 1 recites the feature of "a total air temperature sensor in said strut." Applicants respectfully submit that this feature is neither shown nor suggested in the proposed combination of the references. The Office Action states on page 3 that such feature is found in Hagen at column 4, lines 60-68. The applicants respectfully disagree. Rather, column 4,

lines 60-68 state:

"The sensor 50 and second sensor 56 are formed from a single silicon chip or wafer mounted on a unitary block 58 so that the sensors are affected the same by temperature and other external conditions to avoid the effect of undue variations in the environment that can affect pressure readings.

Suitable excitation and electrical connections are provided to provide outputs along lines 54 for the pressure [sensor 50, and line 60 for the pressure sensor 56.]"

Applicants further submit that Hagen does not anywhere else disclose or suggest the feature of a total temperature sensor. Because this feature is missing from the reference, it is not found in the proposed combination. Accordingly, Applicants respectfully request that the rejection of claims 1, 6 and 8 based on a combination of Hagen and Cronin be removed and the claims allowed.

Claims 2 and 3 were rejected under 35 U.S.C. § 103 as being unpatentable over Hagen in view of Cronin as applied to claims 1, 6 and 8, and further in view of Peterson. Claims 2 and 3 depend from independent claim 1, which has been shown to be patentable. Based on the above arguments with respect to Hagen and Cronin, applicants respectfully request that the rejection of claims 2 and 3 also be removed and the claims allowed.

Claim 4 was rejected under 35 U.S.C. 103 as being unpatentable over Hagen in view of Cronin as applied to claims 1, 6 and 8, and further in view of LeBlond. Claim 4 depends from independent claim 1, which has been shown to be patentable. Based on the above arguments with respect to Hagen and Cronin, applicants respectfully request that the rejection of claim 4 also be removed and the claim allowed.

Claim 5 was also objected to as being dependent upon a rejected base claim but would otherwise be allowable. Claim 5 depends directly from claim 1, which has been shown to be

allowable. Applicants respectfully request that claim 5 be allowed.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Hagen in view of Cronin as applied to claims 1, 6 and 8, and further in view of Kromer. Claim 7 depends from independent claim 1, which has been shown to be patentable. Based on the above arguments with respect to Hagen and Cronin, applicants respectfully request that the rejection of claim 7 also be removed and the claim be allowed.

Accordingly, applicants submit that the claims of the present application are allowable over the prior art of record, and respectfully request favorable action.

Applicants submitted a Supplemental Information Disclosure Statement on October 18, 2004 citing references from a European Patent Office search in a corresponding PCT application. A copy of the search report is also enclosed. A review and an indication of consideration of the references is requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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